

THE PEOPLE OF THE PHILIPPINES, PLAINTIFF AND APPELLANT VS. SIMEON MENDOZA, AND JOSE DIZON, DEFENDANTS AND APPELLEES.

G.R. Nos. L-5059-60. January 30, 1953

Ponente: MONTEMAYOR, J.

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MONTEMAYOR, J.:

The Provincial Fiscal of Pangasinan appeals from an order of the Court of First Instance of that province dismissing the informations for contempt in criminal cases Nos. 18969 and 18974 against Simeon Mendoza and Jose Dizon, respectively. The information against Mendoza reads as follows:

"That on or about the 23rd day of May, 1949, or sometime thereafter, in the municipality of Mabini, Province of Pangasinan, Philippines, and within the jurisdiction of this court, the above-named accused, Simeon Mendoza, having been duly notified of the interlocutory order, dated May 23, 1949, rendered by Hon. Luis B. Buendia, representative of the Department of Justice under Commonwealth Act No. 461, as amended, in Tenancy case No. 13476, entitled 'Dominador Navarro, complainant, versus Simeon Mendoza, respondent,' ordering him to desist from prohibiting the complainant-tenant, Dominador Navarro, from working his landholding located at barrio Ulombuaya, of the above-mentioned municipality of Mabini, Pangasinan, pending investigation and final disposition of the case on its merits, the aforesaid accused, Simeon Mendoza, with open and complete defiance of law, did then and there wilfully, unlawfully and feloniously refuse and still refuses to comply with said order by prohibiting the said complainant, Dominador Navarro from working his above-mentioned landholding."

The information against Dizon is similar to that against Mendoza. It charges Dizon with having violated the order of the representative of the Department of Justice ordering him to desist from prohibiting the complainant-tenant from working his landholding. Under separate motions filed by counsel of the accused Mendoza and Dizon, the trial court dismissed the two informations in a single order which reads:

"The cases are now before this court on the amended motions to dismiss filed by the accused in the two cases on July 13, 1951.

"The accused ask for the dismissal of both cases on the ground that the Tenancy Law Enforcement Division which issued the interlocutory order of May 23, 1951 (should be 1949), in tenancy cases Nos. 13476 and 13477, has already been abolished by his Excellency, the President of the Philippines, on January 1, 1951, by virtue of section 16 of the Executive No. 392 which, transferred the personnel, powers, duties, functions, records, appropriations, property and equipment of the said Tenancy Law Enforcement Division to the Court of Industrial Relations, and on the further ground, that although section 1 Commonwealth Act No. 461, as amended by Republic Act No. 44, declares that the violation of any decision or order of the said Tenancy Law Enforcement Division is punishable as contempt, triable by the Court of First Instance of the province or city, or justice of the peace of the municipality, in which the violation was committed, the law does not provide for any penalty for such contempt. In other words, it is the contention of the accused in both cases that this court has no jurisdiction over the offense charged in the informations and that the facts alleged in the said

informations do not constitute an offense.

"The Court believes that the amended motions to dismiss are well taken. The last part of section 1 of Commonwealth Act No. 461, as last amended by Republic Act No. 44, provides that disobedience to summons lawfully issued, refusal to testify, and violation of any decision or order of the Department of Justice shall be punishable as contempt, triable by the Court of First Instance of the province or city, or justice of the peace of the municipality, in which the contempt is committed. A close scrutiny however, of said section 1 of Commonwealth Act No. 461, as last amended by Republic Act No. 44, will show that although disobedience to summons lawfully issued, refusal to testify and violation of any decision or order of the Department of Justice is declared contempt, the said Act, as amended, has failed to provide for any penalty for such contempt. The contempt referred to in Commonwealth Act No. 44, cannot be punished under Rule 64 of the Rules of Court because Rule 64 refers only to contempt committed against inferior or superior courts.

"The Court, therefore, believes that although the accused in these cases may have really violated the interlocutory order issued by the Tenancy Law Enforcement Division of the Department of Justice in tenancy cases Nos. 13476 and 13477, they cannot be punished because there is no law prescribing the penalty for such violation.

"Having reached the foregoing conclusion, it becomes unnecessary for the Court to pass upon the question of jurisdiction raised by the defendants. It is also unnecessary for the Court to pass upon the question as to whether these two defendants may be prosecuted for contempt in the Court of Industrial Relations, because of the abolition of the Tenancy Law Enforcement Division, and the transfer of its personnel, powers, duties, functions, records, appropriations, property and equipment to the said Court of Industrial Relations.

"IN VIEW OF THE FOREGOING CONSIDERATIONS, the court hereby orders the dismissal of the two above-entitled cases, with costs de officio, and the cancellation of the bonds filed by the accused for their provisional release."

The appellant fiscal through the Solicitor General claims that the lower court erred in holding that the defendants-appellees can not be punished because there is no law prescribing the penalty of the offense for which they were charged and holding that Rule 64 of the Rules of Court is not applicable in the contempt charged in the two cases. The contention is made that these cases come under section 580 of the Revised Administrative Code, and that Commonwealth Act No. 461 as amended by Republic Act No. 44 simply added to said section 580 of the Revised Administrative Code some acts not mentioned in the latter law punishable as contempt of court. The Solicitor-General holds that in enacting Commonwealth Act 461 and Republic Act No. 44 the intention of the Legislature to provide for an effective and adequate means to enforce the lawful orders of the Department of Justice in the enactment of the Rice Share Tendency Law is evident, and that it is presumed that said Legislature had not overlooked any detail in the performance of its duties and could not have passed the same without at the same time providing an appropriate penalty.

Section 580 of the Revised Administrative Code is a general law and refers to administrative bodies or officers and non-judicial persons or bodies in general. And it authorizes only the taking of testimony and the production of documents under subpœna duces tecum. Commonwealth Act 461 as amended by Republic Act No. 44 may, however, be considered as special or specific law referring particularly to the Department of Justice and its representatives and it authorizes said representatives not only to make investigations and summon witnesses but also to issue such orders as may be deemed necessary for the best interest of the parties concerned. Section 580 of the Revised Administrative Code does not authorize the issuance of orders. It is unreasonable therefore to conclude and to hold that the two laws are linked together and complement each other.

Neither may we apply Rule 64 of the Rules of Court to the two cases so as to punish as contempt of court the violation of the orders issued by Department of Justice officials under Commonwealth Act 461 as amended by

Republic Act No. 44. Rule 64 of the Rules of Court applies only to inferior and superior courts and does not comprehend contempt committed against administrative officials or bodies, unless said contempt is clearly considered and expressly defined as contempt of court, as is done in paragraph 2 of section 580 of the Revised Administrative Code.

In other administrative or quasi-judicial bodies where contempts committed against them is considered as contempt of court, the law clearly and unequivocally says so. Thus Commonwealth Act 103, section 6 thereof as amended provides that any violation of any order, award, or decision of the Court of Industrial Relations shall after such order, award or decision has become final, conclusive and executory, constitute contempt of court. Again, the Securities Act, Commonwealth Act 83 as amended, in section 31 (b) provides that failure or refusal to attend and testify or to answer any lawful inquiry or to produce books, papers, etc. shall be subject to discipline as in case of contempt of court. As regards the Public Service Commission, Commonwealth Act 146 as amended authorizes said commission to summarily punish for contempt at the same time mentioning the corresponding penalty. (Section 29, Commonwealth Act 146). And where any person refuses to answer any lawful inquiry or produce before the Commission books, papers, etc. called for by the Commission, upon conviction thereof by a court of competent jurisdiction shall be punished with fine or imprisonment or both. (Section 30 (b), Commonwealth Act 146 as amended.)

From all this, it is evident that where the law desires and intends to punish any violation of or disobedience to any process or order issued by any administrative official or body, it clearly defines and terms such violation as contempt of court, or it authorizes said official or body to summarily punish for contempt, providing at the same time the corresponding penalty; and where the aid of the courts is necessary, the corresponding penalty upon conviction is also prescribed. Unfortunately, however, Commonwealth Act No. 461 as amended by Republic Act No. 44 fails to define or consider a violation of orders by Department of Justice officials of the Tenancy Division as contempt of court, or prescribe the penalty therefor.

Finding the order appealed from to be in accordance with law, the same is hereby affirmed. No costs.

Paras C.J., Feria, Pablo, Bengzon, Padilla, Tuason, Reyes, Jugo, Bautista Angelo and Labrador, JJ., concur.

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